

# EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**IN RE: FUTURE MOTION, INC.  
PRODUCTS LIABILITY LITIGATION**

Case No. 5:23-md-03087-BLF

MDL No. 3087

**DECLARATION OF ELI HARE FOR APPOINTMENT TO THE  
PLAINTIFFS' EXECUTIVE COMMITTEE**

I, Eli Joseph Hare, declare as follows:

I am a partner at the law firm DiCello Levitt LLP ("DiCello Levitt"), where I am a member of the firm's Mass Tort litigation practice group.

In addition to DiCello Levitt's Mass Tort practice group, I also represent individuals in high-profile civil rights cases and am a member of the firm's public client, employment, and trial practice groups.

Along with working as a part a large internal team at DiCello Levitt, I also have developed working relationships with dozens of law firms across multiple multidistrict litigations ("MDLs") and complex cases nationwide. These experiences have allowed me to develop an ability to organize, lead others, and communicate effectively in high stakes situations.

I am very involved in several of our firm's multidistrict and complex litigation. Specifically, in *In re: Abbott Laboratories, et al., Preterm Infant Nutrition Prods. Liab. Litig.*, MDL No. 3026 (N.D. Ill.) I co-manage a document review team of over 65 attorneys and work closely with the Discovery Committee, in which role I have participated in numerous depositions and have personally taken depositions of several key witnesses; in *In Re: Paraquat Prods. Liab. Litig.*, MDL No. 3004 (S.D. Ill.) I have participated in preparations and depositions of experts and potential bellwether plaintiffs; in *In re Proton-Pump Inhibitor Prods. Liab. Litig.*, MDL No. 2789

(D.N.J.) I have participated in preparations and depositions of corporate representatives; and in *In Re: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Prods. Liab. Litig.*, MDL No. 2775 (D. Md.) I have briefed several *Daubert* motions. I also handle various matters in our firm's representation of more than 50 cities and counties in *In Re: Nat'l Prescription Opiate Litig.*, MDL No. 2804 (N.D. Ohio) and *In Re: McKinsey & Co., Inc. Nat'l Prescription Opiate Litig.*, MDL No. 2996 (N.D. Cal.). Through my work on each of these MDLs, I collaborate with several attorneys through various law firms across the country to achieve common goals.

I have only recently been granted my first court-appointed leadership role, which came in *In re: Hair Relaxer Marketing, Sales Practices, and Prods. Liab. Litig.*, MDL No. 3060 (N.D. Ill.), where I serve as a member of the Leadership Development Committee ("LDC"). In that litigation, I personally conducted over two years researching medical journals and scientific articles connecting Defendants' products to injuries to the female reproductive system and was instrumental in the drafting and filing of the first Hair Relaxer complaint<sup>1</sup> which led to the development of MDL 3060. Since my appointment to the LDC, I have continued to contribute my efforts by working with the Science Committee to vet and retain experts, working with the Discovery Committee to lead the management of responding to defendants' deficiency letters pertaining to Plaintiff Fact Sheets, working with the Bankruptcy Committee to navigate issues around defendant Revlon's bankruptcy filing, and working with Co-Leads to assist with legal strategies in furtherance of the litigation. In addition to the above, I have also had the opportunity to work closely with several other talented attorneys and law firms through my work in MDL 3060, including attorneys Rene Rocha and Cameron Bell who are actively involved in this litigation.

---

<sup>1</sup> *Jenny Mitchell v. L'Oréal et al.*, Case No. 22-cv-05815 (N.D. Ill.)

DiCello Levitt support and invest in this litigation in supporting me as a member of the Plaintiffs’ Executive Committee. A national plaintiffs’ trial firm, Chicago-based DiCello Levitt—with close to 70 attorneys in five cities across the United States—has received many accolades, including top ratings and reviews from *Chambers and Partners*, *Benchmark Litigation*, *Lawdragon*, and *Public Justice*’s “Trial Lawyer of the Year” award. Assembled from some of the country’s top complex litigators, DiCello Levitt has extensive MDL, product liability, mass tort, class action, and complex litigation, and trial experience. DiCello Levitt’s attorneys have led, or are presently leading, more than 40 MDLs and, in its close to six years of existence, the firm has recovered more than \$20 billion for its clients. DiCello Levitt’s practice also includes in-house focus group and mock trial programs. In all, DiCello Levitt has obtained jury verdicts of more than \$200 million in the past few years alone, and has successfully led—and is currently leading—some of the largest and most complex nationwide class actions and commercial litigations.

Serving as a member of the Plaintiffs’ Executive Committee in this litigation will require experience, dedication, extensive resources, the ability to work with many plaintiff-side and defense-side firms, and a commitment to seeing it through to its successful conclusion. As confirmed by my above-described experience and credentials, I am well-suited to help lead that charge and I would be honored to be appointed to do so.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of February, 2024, at Birmingham, Alabama.

/s/ Eli J. Hare

Eli Joseph Hare

# Eli J. Hare

505 20<sup>th</sup> St. N., Ste. 1500 Birmingham, AL 35203 | (251) 564-4509 | ehare@dicellolevitt.com

---

**Licensed:** Alabama, Louisiana, and Florida

**Admitted:** All Alabama U.S. District Courts; all Louisiana U.S. District Courts; all Florida U.S. District Courts; U.S. Court of Appeals for the Fifth, Ninth, and Eleventh Circuits; U.S. Court of Federal Claims; United States Supreme Court.

## LEGAL EXPERIENCE

### **DICELLO LEVITT, LLP**

*Partner*

Birmingham, AL

May 2021 – Present

- Works in the firm's Mass Torts, Civil Rights, Personal Injury, Employment Discrimination, and Public Client practice groups.
- Manages a team of attorneys and staff for hundreds of cases throughout the various practice groups.
- Daily tasks include strategic development of cases and complex issues, coordinating and developing experts across various disciplines, and leading and organizing teams of attorneys to address legal issues faced in various multi-district litigations.
- Highly involved with every stage of litigation in all cases, including pleadings, briefings, and motion practice; depositions, hearings, and oral arguments; trial preparation and trial; and appellate briefing and arguments.

### **GRANT & EISENHOFER**

*Associate*

Birmingham, AL

February 2021 – May 2021

- Worked in the firm's Civil Rights Litigation group.
- Worked closely on matters relating to violence and sexual assault in schools; drafted pleadings, motions, appellate briefs, various discovery documents, and conducted several depositions.

### **BURR & FORMAN, LLC**

*Associate*

Birmingham, AL

June 2017 – February 2021

- Worked in the firm's Financial Services Litigation group with a practice emphasis in complex commercial litigation, regularly representing service industry clients in all aspects of fee-based class action litigation in state and federal courts, including drafting motions, briefs, and discovery requests and responses and reviewing discovery.
- Represented financial institutions throughout the U.S. in all aspects of litigation in state and federal courts, including developing case strategy; drafted pleadings, motions, briefs; attending hearings and depositions; and drafting and reviewing discovery requests and responses.
- Represented clients in the waste disposal industry in environmental litigation arising out of claims involving allegations of nuisance and trespass based on noise, dust, and toxic chemicals.
- Worked closely with client in developing a discovery strategy during litigation involving a multi-billion dollar contract dispute arising out of a power purchase agreement; additionally assisted in drafting related motions, briefs, and discovery documents.
- Regularly commended on abilities to negotiate favorable settlements for clients.

### **LAW OFFICES OF STEPHEN M. WILES, LLC**

*Associate*

New Orleans, LA

May 2015 – June 2017

- Drafted and argued various motions and briefs; drafted contracts; negotiated business transactions; managed firm's caseload; advised clients across various fields of law; negotiated with U.S. Assistant Attorneys on behalf of criminal clients; assisted with depositions; assisted with witness and trial preparation; handled appeals up to and including petition for writ to the U.S. Supreme Court.

## EDUCATION

### **TULANE UNIVERSITY SCHOOL OF LAW**

*Juris Doctorate*

Tulane Maritime Law Journal, Managing Editor

New Orleans, LA

August 2012 – May 2015

### **UNIVERSITY OF ALABAMA, UNIVERSITY HONORS COLLEGE**

Major, Political Science | Minor, History

Honors: *Cum Laude*, University Honors College, Dean's List, President's List

UA in Greece Summer Abroad Program, 2010

Tuscaloosa, AL

August 2008 – May 2012